

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

NVR BRANDING CORPORATION,
d/b/a Fox Cities Embroidery,

Plaintiff,

v.

Case No. 23-C-722

TRAVIS KORTH and
YEOMANS, INC.,
d/b/a Sports World,

Defendants.

ORDER REGARDING SUBJECT-MATTER JURISDICTION

This case is procedurally unique. Plaintiff NVR Branding Corporation removed this action from state court on June 6, 2023, after filing its First Amended Complaint that included a claim for copyright infringement. The case came on for a Telephone Status Conference on September 27, 2024. During that hearing, Defendant Yeomans, Inc. d/b/a SportsWorld (SportsWorld) expressed concern that this court lacked subject-matter jurisdiction. Accordingly, the court ordered the parties to show cause as to whether the case should be dismissed for lack of subject-matter jurisdiction.

Having considered the parties' briefs, the court is satisfied that subject-matter jurisdiction exists. *See* Dkt. Nos. 34 & 35. Plaintiff's removal under 28 U.S.C. § 1454 seems permissible, and Defendants did not timely file a motion for remand under 28 U.S.C. § 1447(c). And despite maintaining that Plaintiff's removal was erroneous, SportsWorld concedes that this court has subject-matter jurisdiction even if Plaintiff did not register its work prior to suing for copyright infringement. *Reed Elsevier, Inc. v. Muchnick*, 559 U.S. 154, 157 (2010). As such, this court has

subject-matter jurisdiction, and the case may proceed. The Clerk is directed to set this case on for further scheduling.

SO ORDERED at Green Bay, Wisconsin this 2nd day of December, 2024.

s/ William C. Griesbach
William C. Griesbach
United States District Judge